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127 Public Square			AUGUSTINE, NICHOLAS	
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			01/23/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/679,796

Applicant(s)

CZERWINSKI ET AL.

Examiner

NICHOLAS AUGUSTINE

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 15-18, 48-59, 61-63, 84-87, 93 and 94 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15-18, 48-59, 61-63, 84-87 and 93-94 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/12/2008.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- A. This action is in response to the following communications: Amendment filed: 12/12/2008. This action is made **Final**.
- B. Claims 1-12,15-18,48-59,61-63,84-87,93 and 94 remain pending.

Election/Restrictions

C. Applicant's election with traverse of Species associated with figures 2A-5 in the reply filed on 1/22/2007 is acknowledged. The traversal is on the ground(s) that Group I claims are generic to the other species. This is not found persuasive because Group II and III are non generic and have subject matter to which is classified outside of Group I as mention before.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3,5-12,15-18,48-59,61-63,84-87,93 and 94 are rejected under 35

U.S.C. 102(e) as being anticipated by DragThing.

NOTE:

Three separate references are used to construct a single reference of DragThing.

DragThing is a software application created in June 1995 with added features to as late as April 2002 (version 4.3) as cited in the DT2 material. Version 1.0-4.3

- I. A DragThing Review from Applelinks herein referred to as **(APPLE)**
(<http://www.applelinks.com/reviews/dragthing-v4.shtml>)
- II. The about information off of the DragThing website using web.archive.org
(Web archive, specializes in archiving the Internet since 1995)
(<http://web.archive.org/web/20020524155927/http://www.dragthing.com/>)
Herein referred to as **(DT1)**
- III. Version history of DragThing from version 1.0 – 4.3 located on the main website of DragThing (<http://www.dragthing.com/english/history4.html>)
which each update is dated with specific features added to the software application. Herein referred to as **(DT2)**. The breaks down of the sited versions are as follows:

VERSION: DATE:

4.3 4-11-2002

4.0.1 4-19-2001

1.6	5-1-1996
1.5	1-1-1996
1.01	6-1-1996

It would be inherent that versions (4.3,4.0.1,1.6,1.5,1.01) from earliest to latest included the added functionality as disclosed by James Thomson (inventor of DragThing). Wherein such that the functionality of 1.01 was included in version 1.5, and the functionality of version 1.5 was included in 1.6, it is inherently known in the art of software versions that the programs add and fix functionality. Since the above versions are all about one solely software program product offering the combined teachings found at <http://www.dragthing.com> as well as the use of web archive (<http://web.archive.org/web/20020409150945/www.dragthing.com/english/history.html>) yields the prior art date of 4-09-2002 (with the release date of 4.3 being marked as 4-11-2002 as indicated on the above link from web archive.

Since the above mention references solely disclose one software application 'DragThing' all three references combined constitutes as a single reference 102 of a product offering.

Supplemental evidence: (http://en.wikipedia.org/wiki/Sorting_algorithm)

used to explain definitions commonly found in the art.

DragThing is copyright 1994-2002 as mentioned in the cited material.

As for independent claim 1, DragThing teaches a *method for managing* the at least two software applications on a display of a computer system comprising instantiating a first software application on the computer system; instantiating an other than first software application on the computer system; rendering the first software application in a first graphical window on a first portion of the display and in a first graphic control on a second portion of the display as a result of the instantiation; rendering the other than the first software application in another than the first graphical window on the first portion of the display and in an other than the first graphic control on the second portion of the display as a result of the instantiation;(DT1, page 2, par.2; wherein the one or more graphical windows is an icon or button as described that represents a current running process or a shortcut of any component on the computing device, the second portion of the screen being that of the dock and the first portion being that of the desktop (maximize and minimize states) also according to paragraph one this software application is directed towards Macintosh computers, thus presenting the evidence of a computer system which runs this application; DT2, page 2-7; wherein mentioned is the ability to have processes placed in the dock upon runtime and contextual menus associated with the dock and items within the docks, multiple docks possible if desired by user) obtaining an indication to organize the first graphic control and the other than first graphic control in a group, wherein obtaining the indication includes rendering a set of guides representing inclusion or exclusion from

one or more possible grouping (docks) in the second portion of the display (DT2, page 6; DT1, page 2, par.1; user mouse event "drag" indicates a drag and drop action for organization; APPLE, page 2 paragraph 2; how DragThing performs every functionality of the well known "Dock" in Apple Macintosh operating system 10; [http://en.wikipedia.org/wiki/Dock_\(computing\)](http://en.wikipedia.org/wiki/Dock_(computing))); grouping the first and the other than first graphic controls on the second portion of the display according to the obtained indication(DT2, page 17 paragraph 2 and page 21 par.4; wherein the user can organize the arrangement of groups and content by means of dragging); and rendering the grouping in a bordered group in the second portion of the display, the bordered group including the first and the other than first graphic controls and a graphic control group (contextual menus, and group function controls (DT2, pages 2-7, 17, 19, the group control tile configured for simultaneous action on both the first instantiated software application and the second instantiated software application (DT2, page 21, par.4 and page 18, par.2; page 12 and 6, wherein the user can group controls together in layers with group controls called tabs which are customizable by arrangement, color, font, name etc. In addition the user is presented with sorting options which will sort the application/icons by predefined conditions set in the options menu as defined by factory or user. Common to what is known in the art in the field of computational sorting is an automatic arrangement of data element defined by the rules of the sorting command currently executed; support for this reasoning can be found here: http://en.wikipedia.org/wiki/Sorting_algorithm).

As for dependent claim 2, DragThing teaches the method as recited in claim 1, wherein obtaining an indication to organize the first and the other than the first graphic controls includes obtaining a user manipulation of a selection device to drag and drop the first graphic control on the the other than the first graphic control (DT2, page 21, par.4; user drags controls together to form groups (docks (DT1, page 2, par 3 "... as many docks...") and tabs (DT2, page 18, par.2).

As for dependent claim 3, DragThing teaches the method as recited in claim 2 further comprising displaying a set of guides indicating one or more possible groupings of graphic controls corresponding to a drag and drop on a selected guide (DT2, page 5, last paragraph and page 6, first paragraph; indicator, of course those skilled in the art would appreciate the user of indicators to indicate users dragging options when in the event of dragging).

As for dependent claim 5, DragThing teaches the method as recited in claim 1, wherein displaying the first and the other than the first graphic controls as a group within the second portion of the display including displaying a graphic group control for instantiating an action on the first and the other than the first graphic controls and the respective graphical windows corresponding to the graphic controls (APPLE, page 2, par. 3; *resized, color coded, min and maximized*).

As for dependent claim 6, DragThing teaches the method as recited in claim 5, wherein

instantiating an action on the first and the other than the first graphic controls is selected from a group consisting of minimizing the graphical windows corresponding to the first and the other than the first graphic controls (claim 5), restoring the graphical windows corresponding to the first and the other than the first graphic controls (APPLE, page 2, par.3 wherein the user can maximize or what is called in the art as window restoration ("to restore a window") as commonly defined in windows operating system help manuals), closing the graphical windows corresponding to the first and the other than the first graphic controls (APPLE, page 2, par.4; quit all running applications under a dock), saving data within the graphical windows corresponding to the first and the other than the first graphic controls (of course, those skilled in the art will appreciate that saving information within an application while its in view/ active to the user is commonly known and well understood), and resizing the graphical windows corresponding to the first and the other than the first graphic controls (claim 5).

As for dependent claim 7, DragThing teaches the method as recited in claim 1, wherein the displaying the first and the other than the first graphic controls as a group within the second portion of the display includes displaying at least a portion of the first and the other than the first graphic controls, the method further comprising: obtaining an indication to collapse the group; and displaying the group solely as a group graphic control (note the analysis of claims 1 and 5; putting the group into a tab, using minimize and maximize actions onto the tab graphic).

As for dependent claim 8, DragThing teaches the method as recited in claim 7, wherein obtaining an indication to collapse the group includes: monitoring the frequency of manipulation of the first and the other than the first graphic controls; and automatically collapsing the group if the frequency of manipulation is below a threshold level (APPLE, page 2, par.3; wherein the user can assign the action of minimize automatically which works as a delay when the user is not using the group, thus of course those skilled in the art would appreciate the use of a timer to complete such a task of timed interval that are exceeded from inactivity from the user to perform a function x).

As for dependent claim 9, DragThing teaches the method as recited in claim 7, wherein obtaining an indication to collapse the group includes obtaining a user indication to collapse the group (APPLE, page 2, par.3; wherein groups can be minimized, thus the user whom is operating the system has the option to collapse the group at anytime during interaction).

As for dependent claim 10, DragThing teaches the method as recited in claim 1, wherein rendering the first and the other than first graphic controls as a group within the second portion of the display includes associated a name with the group and renderings the name on a portion of the group indicator (DT2, pages, 17-19; labels for docks and items are using to indicate a plurality of items that differ from one another).

As for dependent claim 11, DragThing teaches the method as recited in claim 1, further comprising: obtaining an indication to remove the other than the first graphic control from the group; and rendering the first and the other than the first graphic controls as separate graphic controls (DT2, page 6).

As for dependent claim 12, DragThing teaches the method as recited in claim 1, wherein displaying the first and the other than the first graphic controls as a group within the second portion of the display includes displaying a continuous border around the first and the other than the first graphic controls indicating the association of the first and the other than the first graphic controls to the group (APPLE, page 2, figure; wherein as depicted in the figure the group called 'application' is color coded and has a border marking the interaction region that the group 'application' covers which controls are : finder, system pre..., acrobat, iTunes, etc.).

As for dependent claim 15, DragThing teaches the method as recited in claim 1, wherein the group corresponds to a project and wherein displaying the first and the other than the first graphic controls as a group within the second portion of the display includes displaying a project control for toggling the software applications corresponding to the first and the other than the first graphic controls between a minimized state and a restored state (note the analysis of claims 6,8,9).

As for dependent claim 16, the method as recited in claim 15, wherein rendering a project control includes rendering a project name and a number of software application include with the project (DT2, page 6).

As for dependent claim 17, DragThing teaches the method as recited in claim 15, wherein obtaining an indication to organize the first and the other than the first graphic controls includes obtaining a user manipulation of a selection device to drag and drop the first graphic control on the other than the first graphic control to organize the first and the other than the first graphic controls as a project (note the analysis of claim 2).

As for dependent claim 18, DragThing teaches the method as recited in claim 15, wherein the computer system includes a base project group separate from the project including the first and the other than the first graphic controls and wherein the one or more software applications belong to the base project (APPLE, page 2, par.5; wherein the user puts all of a certain project files under one group- these controls as which would be separate from the creation of the project files one could arrange an organization structure as noted in paragraph 5).

As for independent claim 48, DragThing teaches a computer system including a display comprising: one or more of software applications, each software application displaying one or more corresponding graphical windows and displaying one or more corresponding control tiles; a desktop for displaying the one or more graphical

windows corresponding to each software application on the display; a taskbar for displaying the one or more control tiles corresponding to each software application on the display; a organization component for organizing the one or more control tiles in the taskbar, the organizing includes obtaining an indication to organize, selecting the one or more control tiles, displaying a set of guides for inclusion or exclusion into one or more group, releasing the one or more control tiles according to the indication to organize; a rendering component for displaying the one or more control tiles according to the indication to organize, if the indication to organize was for inclusion in a group, the rendering component displays the one or more control tiles within a group, the group including the one or more control tiles and a group control tile visually separated from other items in the taskbar.

(APPLE, page 2, paragraph 2); (note the analysis of claim 1; wherein the dock represents a user defined toolbars and the tabs represent user defined groups and the buttons/ icons representing application, files, etc represent tiles) (DT2, page 21, par.4 and page 18, par.2; page 12 and 6, wherein the user can group controls together in layers with group controls called tabs which are customizable by arrangement, color, font, name etc. In addition the user is presented with sorting options which will sort the application/icons by predefined conditions set in the options menu as defined by factory or user. Common to what is known in the art in the field of computational sorting is an automatic arrangement of data element defined by the rules of the sorting command currently executed; support for this reasoning can be found here:

http://en.wikipedia.org/wiki/Sorting_algorithm).

As for dependent claim 49, DragThing teaches the method as recited in claim 48, wherein

obtaining an indication to organize the one or more control tiles includes obtaining a user manipulation of a selection device to drag and drop the first control tile adjacent to the second control tile (note the analysis of claim 2).

As for dependent claim 50, DragThing teaches the method as recited in claim 48 further comprising displaying a set of guides indicating one or more possible groupings of control tiles corresponding to a drag and drop on a selected guide (note the analysis of claim 3).

As for dependent claim 51, DragThing teaches the method as recited in claim 50, wherein the set of guides include a curved carat indicating the inclusion of a selected control tile to a group and a straight line to indicate the exclusion of a selected control tile from a group (note the analysis of claim 4).

As for dependent claim 52, DragThing teaches the method as recited in claim 48, wherein the group control tile includes one or more group controls (note the analysis of claim 5).

As for dependent claim 53, DragThing teaches the method as recited in claim 52 wherein instantiating an action on the one or more control tiles is selected from a group consisting of minimizing the graphical windows corresponding to the one or more control tiles, restoring the graphical windows corresponding to the one or more control tiles, closing the graphical windows corresponding to the one or more control tiles, saving data within the graphical windows corresponding to the one or more control tiles, and resizing the graphical windows

corresponding to the one or more control tiles (note the analysis of claim 6).

As for dependent claim 54, DragThing teaches the method as recited in claim 48, wherein the displaying the one or more control tiles as a group within the taskbar portion of the display includes displaying at least a portion of the one or more control tiles, the method further comprising: obtaining an indication to collapse the group; and displaying the group solely as a group control tile (note the analysis of claim 7).

As for dependent claim 55, DragThing teaches the system as recited in claim 48, wherein displaying the one or more control tiles as [[a]]the group within the taskbar portion of the display includes associating a name with the group and displaying the name on a portion of a group indicator (DT2, page 17-19).

As for dependent claim 56, DragThing teaches the system as recited in claim 48 further comprising: the organization component obtaining an indication to remove one or more tile from the group; and the rendering component displaying the one or more control tiles removed from the group as separate control tiles (DT2, page 6-7).

As for dependent claim 57, DragThing teaches the method as recited in claim 48, wherein displaying the one or more control tiles as a group within the taskbar portion of

the display includes displaying a continuous border around the one or more control tiles indicating the association of the one or more control tiles to the group (note the analysis of claim 12).

As for dependent claim 58, DragThing teaches the method as recited in claim 57, wherein displaying a continuous border around the one or more control tiles indicating the association of the one or more control tiles to the group includes displaying the continuous border in a color separate from a color corresponding to the taskbar (APPLE, page 2, par.2; color coded).

As for dependent claim 59, DragThing teaches the method as recited in claim 58 wherein displaying a continuous border around the one or more control tiles indicating the association of the one or more control tiles to the group includes displaying the continuous border in a color separate from any other color of a group on the taskbar (APPLE, page 2, par.2; border is colored black as depicted in the figure which is separate from the yellow, red, green, etc group colors).

As for dependent claim 60, DragThing teaches the method as recited in claim 48, wherein the computer system includes a third software application represented as graphical windows in the desktop portion of the display and as a control tile on the taskbar portion of the display when the third software application is instantiated on the computer system, the method further comprising: obtaining an indication to organize a

control tile corresponding to the third software application into the group corresponding to the one or more control tile; grouping the third control tile with the one or more control tiles on the taskbar portion of the display; and displaying the first, second and third control tiles as a group within the taskbar portion of the display (note the analysis of claim 13).

As for dependent claim 61, DragThing teaches the method as recited in claim 48, wherein the group corresponds to a project and wherein displaying the one or more control tiles as a group within the taskbar portion of the display includes displaying a project control for toggling the software applications corresponding to the one or more control tiles between a minimized state and a restored state (note the analysis of claim 15).

As for dependent claim 63, DragThing teaches the method as recited in claim 61, wherein the computer system includes a base project separate from the project including the one or more control tiles and wherein the one or more software applications belong to the base project (note the analysis of claim 18).

As for independent claim 84, DragThing teaches a computer system for managing a plurality of software applications, the system comprising: means for displaying two or more software applications as graphical windows when the two or more software applications are instantiated on the computer system; means for displaying two or more

control tiles corresponding two or more software applications when the two or more software applications are instantiated on the computer system; and means for displaying the two or more control tiles as group in response to indication to organize the one or more control tiles (note the analysis of claim 13) and means for automatically, displaying the two or more control tiles in a group based on an action to organize control tiles, the action to organize triggers a set of guides indicating inclusion or exclusion of a group and places the tiles within or without the group relative to the set of guides, the group includes the two or more control a group within the second portion of the display, the group control tile configured for simultaneous action on both the first instantiated software application and the second instantiated software application (DT2, page 21, par.4 and page 18, par.2; page 12 and 6, wherein the user can group controls together in layers with group controls called tabs which are customizable by arrangement, color, font, name etc. In addition the user is presented with sorting options which will sort the application/icons by predefined conditions set in the options menu as defined by factory or user. Common to what is known in the art in the field of computational sorting is an automatic arrangement of data element defined by the rules of the sorting command currently executed; support for this reasoning can be found here: http://en.wikipedia.org/wiki/Sorting_algorithm).

As for dependent claim 85, DragThing teaches the system as recited in claim 84, wherein the means for displaying the two or more control tiles includes means for generating a set of guides indicating one or more possible organizations of control tiles

(note the analysis of claim 3).

As for dependent claim 86, DragThing teaches the system as recited in claim 84 the simultaneous action on both the first instantiated software application and the second instantiated software application includes: minimizing the graphical window corresponding to each software application, restoring the graphical window corresponding to each software application, closing the graphical window corresponding to each software application, saving data within the graphical window corresponding to each software application, or resizing the graphical windows corresponding to each software application (DT2, page 2, 6-7).

As for dependent claim 87, DragThing teaches the system as recited in claim 84, wherein the means for displaying the two or more control tiles as a group includes means for displaying a group control without displaying any portion of the two or more control tiles (note the analysis of claim 7).

As for dependent claim 93, DragThing teaches the system as recited in claim 84 further comprising: means for obtaining an indication to collapse the two or more control tiles into the group control tile; and means for displaying the group solely as a group control tile (DT2, page 6, 16-18).

As for dependent claim 94, DragThing teaches the system as recited in claim 84 further comprising: means for obtaining an indication to remove two or more control tiles from the group; and means for displaying the two or more control tiles removed from the group as separate control tiles (DT2, page 6, 16-18).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over DragThing.

NOTE: the explanation of relation of DragThing application corresponding to three references.

As for dependent claim 4, DragThing teaches the method as recited in claim 3, wherein the set of guides include a curved carat indicating the inclusion of a selected graphic control to a group and a straight line to indicate the exclusion of a selected graphic control from a group. However DragThing does not expressly disclose a carat icon or a straight-line icon for use of drag operations. It would have been obvious to one of ordinary skill in the art at the time of the invention to present any type of icon to represent a drag operation let alone differing ones to mark differing functions of drag operations, because DragThing discloses the user able to drag and organize as well as the user of icons for performing drag operations and of course, those skilled in the art would appreciate that a carat or straight-line graphic could be used to denote any function but more importantly differing functions as taught by DragThing (DT2, page 8, par.6 and DT2, page 16, par.4)

(Note:) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Applicant's arguments filed 12/12/2008 have been fully considered but they are not persuasive.

After careful review of the amended claims (given the broadest interpretation) and the remarks provided by the Applicant along with the cited reference(s) the Examiner does not agree with the Applicant for at least the reasons provided below:

A1. Applicant argues that DragThing does not teach actively provide a set of guides nor rendering a bordered group containing the graphic controls and a graphic group control.

R1. Examiner does not agree, DragThing provides graphical indicator to indicate to the user where an object that is currently being organized by the user will be placed between or in a group or single element(s) (DT2; page 8, par.6). Further DragThing teaches multiple groups within a dock using tabs as well as multiple docks which are groups, each of which have contextual menus and can perform group functions such as minimizing all windows belonging to a dock, thus DragThing teaches rendering a bordered group containing the graphic controls and a graphic group control (DT2, page 7, par.1; DT2, page 6, par. 4).

A2. Applicant argues that DragThing does not teach means for displaying two or more software applications as corresponding graphical windows when the two or more software applications are instantiated on the computer system; means for displaying two or more control tiles corresponding to two or more software applications when the two or more software applications are instantiated.

R2. Examiner does not agree, DragThing teaches of a dock called process dock which displayed current running processes. Also if the object is displayed in another dock this item would be highlighted to show it is currently being instantiated, further DragThing teaches of dynamically sizing groups for the process dock such that the dock can grow upon receiving new objects; further as a side note DragThing also teaches that when the windows are minimized that the position of the windows are remembered (DT2, page 2, 5, 7 and 17).

A3. Applicant argues against DragThing for "automatically, without user input, displaying the first and the other than the first graphic controls as a group control tile within the second portion of the display, the group control tile configured for simultaneous action on both the first instantiated software application and the second instantiated software application".

R3. Examiner does not agree, after careful review of Applicants disclosure it is determined that grouping (sorting) of tiles (applications/icons) is automatic after a user initiated interaction with the system, in such the user interacts with a group control 134 to initiate a grouping command to group (sort) tiles (applications/icons) (par.39; Applicants disclosure). After analysis of DragThing it is present that this feature is also included in the software entity, in the similar manner the user is able to select a sorting method/option and the dock will be sorted (grouping of running applications by means of certain sorting functionality as depicted in the options menu). Support can be found on page 6 and page 12 of DT2 evidence. With a sorting function the user may not drag

every application/icon around the dock(s) to arrange in a specific order, a sorting function can process this request.

With the current understanding it is clear now that DragThing teaches a system with multiple features such as grouping application shortcuts/ live running applications, being able to perform functions on a group on applications (quit all, minimize all, bring all windows to front, etc), have self contain border groups (multiple docks, which feature bordered icons, having contextual menus related to a plurality of groups. (DT2, pages 2-9, 16-19, 23, 25

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
January 15, 2009

/Ba Huynh/
Primary Examiner, Art Unit 2179